

**DRAFT (UNAPPROVED) MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, December 6, 2005
Time: 6:00 PM (Closed Session)
7:00 PM (Public Business)
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd.

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez Councilmembers Giordano, Livengood and Polanski

ABSENT: Councilmember Livengood was absent for the first hour of the Closed Session.

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the the following four issues:

(1) CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING
(Pursuant to Government Code Section 54957.6)

City Negotiators: Ed Kreisberg, Art Hartinger, Carmen Valdez

Employee Organizations: Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech. Under Negotiation: Wages, Hours, Benefits, Working Conditions

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Pursuant to Government Code Section 54956.8)

Property: 110 Meadowland Dr., Milpitas, CA

Agency Negotiators: City of Milpitas, Steve Mattas. Negotiating Party: Williamson / Wilson
Under negotiation: Terms and Conditions for Disposition of property

(3) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to California Government Code Section 54956.9(a))

City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV815946 Consolidated with Case No. 103CV008400

(4) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to California Government Code Section 54956.9(a))

City of Milpitas v. City of San Jose, Case No. CV046013, Santa Clara County Superior Court

The City Council reconvened in Open Session at 7:13 PM with Mayor Esteves presiding and all Councilmembers present.

**CLOSED SESSION
ANNOUNCEMENT**

None

PLEDGE

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

INVOCATION

Moment of silence was observed.

MINUTES

MOTION: approve minutes of the November 15 City Council meeting

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

MOTION: to cancel regular December 20, 2005 City Council meeting

Motion/Second: Councilmember Giordano/ Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

MOTION: to approve the Schedule of Meetings, as amended

Councilmember Livengood noted that the VTA BART Policy Advisory Board December meeting was canceled. Also the Council's Library Subcommittee December meeting was canceled.

Motion/Second: Councilmember Goirdano/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Proclamation:

Mayor Esteves presented a Proclamation to visitors from Milpitas's Sister City, the Municipality of Huizhou, China. A delegation of three visiting members was on an exchange and cultural visit:

- 1) Mr. Lou Ping, Vice Director of the Huizhou Education Bureau
- 2) Mr. Chen Baisuo, Vice Headmaster of Huizhou No. 8 Middle School
- 3) Mr. Liu Yue, student, No. 8 Middle School (not present at the Council meeting)

The visitors presented gifts for the City of Milpitas to the Mayor and Council, a video presentation was screened, and the Mayor provided token gifts from Milpitas City Hall to the gentlemen.

Certificates of Commendation:

Russell Middle School "PeaceBuilders" raised over \$5,000 for Hurricane Katrina Relief.

Teacher Ms. Maggie Doherty and four students accepted the certificates presented by the Mayor on behalf of all the fundraising teams:

Team Megara, 7th grade
Team Corinth, 7th grade
Team Argos, 7th/8th grade
Team Sparta, 8th grade
Team Athens, 8th grade

Certificates of Appreciation:

Mayor Esteves presented a certificate to **LifeScan, Inc.**, a Johnson & Johnson Company, noting the company's efforts toward conservation and reduction of carbon dioxide emission, improving the environment. Bill Farwell and Nancy Noe accepted the certificate. Also, Ms. Sally Tomlinson, of Sustainable Silicon Valley, spoke about the partners project and of the outstanding efforts made by LifeScan, in particular.

Mayor Esteves presented a certificate to **Polycom, Inc.**, a member of a consortium of cities in a public/private partnership on workforce needs for business solutions. Jeff Rodman accepted.

CITIZENS FORUM

Mr. Bill Weisgerber, of San Jose, spoke on the annual **Milpitas Relay for Life** fundraising event for the American Cancer Society. The 9th annual Relay was tentatively set for June 23-24, 2006. He requested the City Council place this topic on its agenda soon, for in-kind service donations for formal approval. Mr. Weisgerber stated his committee's goal was to raise more funds in 2006 than the \$70,000 raised in 2005.

Arts Commissioners Harriet McGuire and Linda Rabe, announced “Tea in the Trees” on Saturday, December 10 at 4:00 pm in the City Hall lobby rotunda. Tickets were \$25, toward fundraising efforts for young people participating in the arts in Milpitas. They both thanked the City Council for its support and encouraged members of the public to attend their event.

Frank DeSmidt, Milpitas Chamber of Commerce liaison, announced an Open House event for all at Huntford Printing on Thursday; also, the Chamber of Commerce mixer. In 2006, he asked Council to save the date of Friday, March 3 for the Chamber of Commerce Crab Feed.

ANNOUNCEMENTS

Councilmember Polanski looked forward to the Tea event on Saturday in support of the arts; and wished everyone Merry Christmas and Happy New Year.

Mayor Esteves thanked city staff for efforts on the holiday tree lighting ceremony last week, with great turnout despite the weather. He wished all a great holiday season and a brighter new year.

ANNOUNCEMENT OF CONFLICT OF INTEREST

None

APPROVAL OF AGENDA

City Manager Lawson pointed out that Item No. RA 10 was on the consent calendar. Staff requested removal of Item No. 9 from the agenda (a recommended action that the City Attorney advised was unneeded).

MOTION: to approve the agenda, as amended

Motion/Second: Councilmember Livengood/Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Mr. Lawson said there was a request to remove agenda item No. 4 from Consent (representatives were present to speak on this issue). Additionally, Vice Mayor Gomez asked to move item No. 4 earlier on the agenda, and to move Item No. 6 onto Consent.

MOTION: to approve the Consent Calendar, as amended

Motion/Second: Councilmember Livengood /Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

*** 3. Approve Mayor's Recommendations to City Commission**

Senior Advisory Commission

Re-appointed Denny Weisgerber to a 2-year term that expires December 2007.

Re-appointed Joanne Wood to a 2-year term that expires December 2007.

Re-appointed Albert Wang to a 2-year term that expires December 2007.

Re-appointed Mary Banick to a 2-year term that expires December 2007.

*** 5. Approve Bicycle Transportation Advisory Commission 2006 Work Plan**

Approved the Bicycle Transportation Advisory Commission Work Plan for 2006.

Finance Subcommittee

*** 6. Report of Council Finance Subcommittee**

Received report and approved the following two recommendations of the Finance Subcommittee: the Finance Subcommittee Workplan for Dec. 2005 – March 2006, and consolidation of the City's single merchant store cards with the Procurement Card (CAL-Card) program.

*** 7. Approve Fourteen Family Child Care Assistance Fund Grant Requests**

Approved grant funding from the Family Child Care Assistance Fund to the following fourteen family child care providers, as recommended by the Parks, Recreation and Cultural Resources Commission:

<u>Provider:</u>	<u>Amount:</u>
1. Chagolla, Elba	\$450
2. Clanton, Sherry	\$400
3. Corriea, Phyllis	\$400
4. Diaz, Francisca	\$450
5. Ding, Yan	\$400
6. Egusa, Donna	\$400
7. Kwok, Sik	\$450
8. Lagman, Kim	\$400
9. Ligon, Judy	\$400
10. Mohammed, Nasreen	\$475
11. Ruiz, Rosa	\$400
12. Salim, Fauzia	\$500
13. Samawi, Samiha	\$400
14. Tang, Hong	\$475

*** 10. Authorize City Manager to Execute Agreement between the City of Milpitas and the County of Santa Clara for Acceptance of State Homeland Security Grant Funds**

Two actions approved:

1. Authorized City Manager to execute agreement between Santa Clara County and the City of Milpitas for acceptance of State Homeland Security Grant funds, subject to approval as to form by the City Attorney.
2. Approved budget appropriation in the amount of \$15,239.07 from Santa Clara County to the Fire Department's Office of Emergency Services budget.

*** 12. Waive Second Reading Beyond the Title and Adopt Ordinance No. 201.4**

Revised Tree and Planting ordinance, to Add a Heritage Tree Program:

1. Waived second reading of the ordinance
2. Adopted Ordinance 201.4 amending the City of Milpitas Municipal Code, Title X, Chapter 2, Tree and Planting Ordinance to include the Heritage Tree Program (as re-introduced on November 15, 2005).

*** 13. Waive Second Reading Beyond the Title and Adopt Traffic Ordinance 43.202**

Changed speed limits on one section of Calaveras with these actions:

1. Waived second reading of the ordinance
2. Adopted Ordinance 43.202, an Amendment to the Traffic Code, to Change the Speed Zones Boundaries and Speed Limits on Calaveras Blvd/Road between Sinclair Freeway (I-680) and the City's Easterly City Limits

*** 14. Adopt Resolution Granting Initial Acceptance: Athletic Court Rehabilitation, Project No. 5069 - Phase II**

Adopted Resolution No. 7567 granting initial acceptance of the project subject to the one-year warranty period and reduction of the faithful performance bond to \$64,519.66.

*** 15. Adopt Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Set Public Hearing for January 3, 2006, to Hear Objections**

Adopted Resolution No. 7568 declaring weeds on specific properties to be a public nuisance and scheduled a public hearing for January 3, 2006.

*** 16. Approve Agreement For Sale of Waterline Easement from County to City, Project No. 3163**

Council approved an agreement on October 18 for the construction of a permanent water system to serve Spring Valley Heights Association (SVHA). City staff negotiated an agreement with the County of Santa Clara for the necessary waterline easements within Ed Levin Park. Santa Clara County Board of Supervisor was scheduled to consider and approve the subject agreement at its next regularly scheduled meeting. SVHA consented to the agreement, as the association was required to comply with the County's requirements relating to construction of the water system on County property.

At this meeting, Council authorized the City Manager to execute the agreement, subject to the approval of the City Attorney as to form.

*** 17. Approve Subdivision Improvement Agreement, Operation and Maintenance Agreement, and Final Map, Public Improvement Plans for KB Home, Tract No. 9698**

1. Approved the final map for KB Homes, Project No. 3160
2. Authorized the City Manager to execute the secured Subdivision Improvement Agreement and Operation and Maintenance Agreement, subject to the approval of the City Attorney as to form.

*** 18. Approve the Purchase of Orthogon Wireless Network Components**

Approved the purchase of the Orthogon Wireless Network components from CDW Government, Inc. for \$18,209.95

*** 19. Award the Bid for Security Cameras for the Community Center**

1. Awarded the bid to Network Design Communications.
2. Authorized the City Manager to execute a contract to furnish and install the Security Cameras at the Milpitas Community Center to Network Design Communications, as the low bidder for the not to exceed amount of \$14,993.26, subject to approval as to form by the City Attorney.

*** 20. Approve the Purchase of Tropos Network Components**

Wireless network was essential to the operation of the City's Computer Aided Dispatch system, currently installed in all Police and Fire vehicles. New equipment would be installed in the remaining three Fire Engines, the Police Command Van and a mobile Police Department unit.

Approved the purchase of the Tropos Wireless Network components from Tropos Networks for \$28,338.59.

*** 21. Approve Payment Request to One Vendor**

Approved payment of \$16,086.27 to Target Specialty Products, for the purchase of six mini-drum of Merit, an insecticide used to provide systemic root treatment for aphids in City street trees. It is only sold through distributors authorized by the manufacturer, Bayer CropScience, which also sets the price.

PUBLIC HEARINGS

1. Approval of Major Tentative Map Amendment No. TM2005-1 to Modify Two Conditions of Approval for KB Homes Development

Planning Director Tom Williams, described the location of the KB Homes development, north of the county's Elmwood facility. At this meeting, staff was requesting that Conditions of Approval Nos. 69 and 86(a) be amended.

Condition No. 69 referred to street lighting description (standard lights instead of pedestrian walkway style) used to create theme and identity. The standard cobra-head street lights were recommended for a section of the project not anticipated for any pedestrians rather than the old fashioned styled pedestrian walkway lights, as displayed by Mr. Williams.

Condition No. 86(a) referred to the use of recycled water, as required by Milpitas Municipal Code. The types of street trees in that area (mostly sycamores to be planted) would not be able to withstand the high salinity content of the recycled water product. Mr. Williams explained this had to do with the lack of absorption in the soil. Therefore, the request to amend the condition was to remove the requirement for watering the trees with recycled water.

Councilmember Polanski inquired whether there were any tree types that could withstand watering by recycled water? Staff re-stated it was the soil that cannot receive recycled water, true in the downtown area essentially. In parks, the turf does fine with recycled water, but tree roots were not as capable of accepting recycled water content.

Councilmember Livengood inquired about street names in the homes development. Mr. Williams responded that with research, he could respond back on that subject.

Mayor Esteves opened the Public Hearing to receive any public testimony and there was none heard.

Mayor Esteves complimented the City staff on the water conservation program. He was curious about the measure of its success. Mr. Wong reviewed the State of California's list of best practices for water conservation, and his office did a cost/benefit evaluation of those, and determined the thirteen practices that Milpitas could best pursue, after rigorous evaluation. Mayor Esteves encouraged staff to work with both public and private schools in efforts to promote water conservation among school children.

In its report to Council, staff recommended thirteen noted Best Management Practices for the City of Milpitas in the 2005 Urban Water Management Plan.

Mayor Esteves opened the Public Hearing to receive testimony; none heard.

(1) MOTION: to close the Public Hearing

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of : AYES: 5
NOES: 0

(2) MOTION: Adopt Resolution No. 7565, approving the 2005 Urban Water Management Plan

Motion/Second: Councilmember Livengood / Councilmember Gomez

Motion carried by a vote of : AYES: 5
NOES: 0

REDEVELOPMENT

RA1. CALL TO ORDER

Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 8:43 PM.

RA2. ROLL CALL

PRESENT: Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/Councilmembers Giordano, Livengood and Polanski

ABSENT: None

RA3. MINUTES

Motion: to approve the Redevelopment Agency minutes of November 15, 2005, including joint meeting with the City Council, as submitted.

Motion/ Second: Vice Chair/Vice Mayor Gomez /Agency/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

RA 4. Approval of Agenda and Consent Calendar

Motion: to approve the agenda and consent calendar

Motion/Second: Agency/Councilmember Polanski/ Vice Chair/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

RA 5. Receive Progress Report on Library, and Midtown East Parking Garage, Projects No. 8161 and No. 8162

Redevelopment Project Manager Mark Rogge provided an update on the Library project, currently about one month ahead of the plan. He would start each construction phase a bit earlier, allowing sufficient time for building department review. Mr. Rogge provided information on the expenditures to date.

For the East Parking Garage, the project was moving along according to schedule and expenditures to date. The issue of "way finding" in the garage design was under review, as discussed at the Library Subcommittee. Branded boards (from Blacksmith Shop) will be on display inside the parking garage along side large-scale historic photographs also

on display on a garage wall. "Leaping Lena" old fire engine will also be on display in a convenient manner.

A "Midtown Business Preservation Plan" during construction was drafted, as a mechanism to positively maintain the downtown area during construction, including clear signs for visitors arriving in from out of town, fair and safe access to businesses during construction, and other important action steps. Mr. Rogge also identified some site construction preparations underway.

Mayor Esteves inquired about the "site cleared for construction" step on the timeline. Staff responded with the work steps to be done, especially the critical one of the clearance of hazardous material before any construction begins. No specific date was provided at this time, and could not be given until the abatement was done. The Mayor asked where was the "critical path" in this process. Mr. Rogge answered that it was the hazardous material identification and then abatement.

Councilmember Livengood inquired on the timing of these steps. He felt the Mayor's stated concern was important, that projects have a life of their own, and staying on schedule was important. He appreciated staff completing as many tasks simultaneously as possible with staying focused on the timeline important, but costs were the most critical, he stated. Also, in the past, labor disputes on the City Hall project cost a lot of time and money, so he wished to avoid that on the library project.

City Engineer Greg Armendariz addressed the Council stating that he had held a meeting with the Building Trades Council in order to strongly pursue a project labor agreement ("PLA"), to prevent City projects from coming to a halt if any labor issues arise during construction of the new library and parking garage. Mr. Livengood believed that to be an important protection for the citizens.

Vice Mayor Gomez inquired what brought forth the PLA concept? Mr. Armendariz replied that during labor strikes in the past, one of his recommendations then was to consider these agreements for future projects, similar to what some other cities, such as San Jose, have done on larger building projects.

MOTION: note receipt and file of the staff report

Motion/Second: Agency/Councilmember Polanski / Vice Chair/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

RA 6. Award Construction Contract for Building Demolition and Hazardous Material Abatement, Projects No. 8154 and No. 8169

Redevelopment Project Manager Mark Rogge described the bid opening held the previous day, December 5, 2005.

MOTION: (1) Award the construction contract for the Demolition and Hazardous Materials Abatement Projects No. 8154 and No. 8169 to HSR Inc. (lowest bidder) at \$239,600; and,

(2) Approve an additional construction contingency in the amount of \$25,000, for contract change orders, subject to approval by the City Engineer, subsequently reported to the City Council after approval.

Thus, the total contract amount was for \$264,600, including the contingency.

Motion/Second: Agency/Councilmember Livengood/ Vice Chair/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

RA 7. Receive Report on County Health Center, Approve the existing Main Street Site for the County Health Clinic and Direct Staff to Prepare a Draft Disposition and Development Agreement (DDA) between the County and the City

City Engineer Greg Armendariz acknowledged Santa Clara County staff who were present and participated in the recent negotiations on this project: Larry Jinkins - Facilities and Fleet Director, Robin Roche- Director of Ambulatory Services, and Alex Gallegos - Health Center Project Manager.

He presented the results of findings of the review of alternative sites for the County Health Center (in report pg. 9), as requested by the City Council earlier this year. The list of services to be provided at a new health center facility was identified, including pharmacy, radiology and other typical services. Demographics were provided that showed areas of the City where the largest number of children resides, and where heavy use of a center was anticipated.

City staff followed through on previous Council direction to consider the possible use of vacant facilities around the City. One challenge will be that the County of Santa Clara government would be held to a higher level of construction requirements, than, for example, Kaiser or any other private health care providers. Conversion of an existing commercial building was the most challenging suggestion.

Staff had reviewed a list of ten sites with county staff of vacant and/or developed lots in Milpitas. Each one was assessed with overall negatives, except one: a site at Alder/ Barber Lane, owned by the Redevelopment Agency. It was compared against the original north Main St. site, with many advantages identified for the north Main St. site.

Milpitas City staff discussed the project overall with the County staff. Outcomes included: the County accepted full responsibility for the design and construction of the parking garage at the county health center, for 275 spaces. The County would lease the parking garage land for \$1 per year for 75 years, with an option to purchase at the end.

City Attorney Mattas described some direction possible with regard to instructions to staff for the future option to sell in the agreement made with Santa Clara County.

Councilmember Livengood believed the City had come a long way since the last agreement. Staff mentioned that the previous draft agreement was silent on the land issue. He highlighted changes to the positive: 1) County would construct the parking garage, and 2) previously the plan was to give it away for free, while now the City would maintain ownership of the land worth something. All of these steps helped the taxpayers of Milpitas and this was a great deal, he believed. Mr. Livengood reiterated that the location was right, as it was in the first place.

Staff mentioned that the City would have use of the public parking facility when the County was not using it, such as on weekends and holidays. The County would address the common driveway with the Senior Housing Project at DeVries Place.

Councilmember Polanski thanked the County, stated it was crucial that the clinic come to Milpitas, and that she appreciated County's cooperation with our City staff.

Mayor Esteves asked about the coordination of efforts on the design and aesthetic look of the buildings to remain compatible downtown. Mr. Armendariz responded that the City would work directly with the County on the design guidelines for the downtown redevelopment projects.

MOTION: to approve the existing Main Street site for the location of the new County Health Center, and to direct staff to prepare a draft Disposition and Development Agreement between the County of Santa Clara and the City of Milpitas for the new Health Center, based on the provisions presented and four additional specific provisions:

- (1) to provide coordination with Main St. projects underway,
- (2) the City would serve as the Program Manager for the development of Main St.,
- (3) the Milpitas Planning Commission must have courtesy review and,
- (4) the City would enter into a Project Labor Agreement, to avoid the impact of any potential labor disputes during construction.

Motion/Second: Agency/Councilmember Livengood / Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

**RA 8. Receive Progress
Report on Implementation of
Midtown Specific Plan**

City Engineer Greg Armendariz presented the progress report in the Mid Town Specific Plan area. In the past year, development south of Great Mall Parkway had increased significantly in this area. Public (city and county) and private (mostly residential) projects were proceeding. Project construction timelines were reviewed by staff, for residential developments and streetscape projects.

Vice Mayor Gomez asked about retail development along this corridor, and staff responded about some mixed-use retail development opportunity on Main St. Mr. Gomez also inquired about construction mitigation measures that would be planned. The City Engineer referred to the Business Mitigation Plan, discussed earlier by Mr. Rogge to address those needs in the overall Mid Town area.

Planning Director Tom Williams responded additionally to the question on retail, about which there was a lot of inquiry recently. With more residential building in that area, demand for retail would increase. The Mills Corp., in particular, cared to pay attention to future development in the Transit Area (light rail, BART) around its Great Mall. VTA had expressed its desire for the City to develop high-density residential units in the area, in coordination with the Mid Town Specific Plan.

Landscape setbacks for residential area were essential, as identified by staff. Pedestrian mobility will need attention in the study area, including any overcrossings. An analysis of infrastructure elements must be analyzed as well. Twelve months' initial study would be necessary and following that, twelve months for the Environmental Impact Report.

Mayor Esteves thanked staff for the report, which he had requested. Economic development as a focus was high on the list for the new Economic Development Manager Diana Whitecar, Mr. Armendariz noted.

MOTION: note receipt and file progress report on the implementation of the Midtown Specific Plan

Motion/second: Agency/Councilmember Giordano / Vice Chair/Vice Mayor Gomez

Motion carried by a vote of: AYES: 5
NOES: 0

*** RA 9. Accept RDA Fiscal
Year 2004-2005 Annual
Report**

Note receipt and file the Milpitas Redevelopment Agency Fiscal Year 2004-2005 Annual Report.

*** RA 10. Adopt 3 Resolutions
of the City Council, the
Redevelopment Agency and
Public Financing Authority
Authorizing Investment of
Monies in the Local Agency
Investment Fund**

Adopted the following resolutions authorizing investment of monies in the Local Agency Investment Fund:

City Council Resolution No. 7566
Redevelopment Agency Resolution No. RA 247
Public Financing Agency Resolution No. PFA No. 10

*** RA 11. Authorize the City
Manager to Execute An
Agreement Amendment:
Harris & Associates, Milpitas
Library Off Site Utility
Improvements, Project 8153**

Authorized the City Manager to execute the agreement amendment with Harris and Associates in the amount not to exceed \$30,000, subject to approval as to form by the City Attorney.

*** RA 12. Authorize the City Manager To Execute an Agreement Amendment: BKF Engineers, No Main St Utility Improvements, Project No. 8153 and Telecommunications Infrastructure, Project 8093**

Authorized the City Manager to execute the agreement amendment with BKF Engineers, in an amount not to exceed \$40,000, subject to approval as to form by the City Attorney.

RA 13. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 9:49 PM.

REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

Item No. 4 was heard prior to the Public Hearings.

4. Request For Donation To Milpitas Xtreme Robotics

Ms. Ceal Craig of the Xtreme Robotics Club, co-lead industry coach, and Kevin Ma, President of the Club, were present and provided information on slides for the City Council. Mr. Ma explained that the Club was trying to raise \$6,000 in funds in order for the student club to participate in upcoming competition.

Mayor Esteves recommended a donation of \$1,000 toward the club's fundraising efforts.

MOTION: Approve \$1,000 donation to Milpitas Xtreme Robotics, to pay toward the registration fees for the FIRST competition in 2006, from the City Council's Community Promotions fund.

Motion/Second: Vice Mayor Gomez / Councilmember Livengood

Motion carried by a vote of : AYES: 5
NOES: 0

Transportation Subcommittee

8. Receive Report on Street Pavement Resurfacing Program, Safe and Clean Streets Program Phase II

Vice Mayor Gomez gave an overview and reminder of the program put forth by himself and Councilmember Polanski. He provided a description of Street Resurfacing efforts in Phase II, where, throughout the City, pavement and street resurfacing efforts were being accomplished, such as pothole repair, slurry seal, and asphalt overlay.

City Engineer Armendariz provided a detailed description of 121 street miles of roadway, in various functional classifications, covering 63 miles of residential, 25 arterial, 19 collector, and 14 other. He explained how the City of Milpitas' streets come to be evaluated at a Pavement Condition Index of 76 (versus the Bay Area average of 63), on a scale of 1 to 100.

Three features to the City's program of street work were: pothole repair, slurry seal (mainly for residential streets), and asphalt overlay providing structure to street. Staff described funding for street resurfacing each year, averaging \$1,000,000 per year. The City Engineer stated the PCI rating would degrade if the current budget was maintained. The City would need to spend more money to maintain or increase the condition of City roads.

Mr. Armendariz specified that an additional \$3 million per year was required to maintain the current PCI level. Further expenditures would be required to increase the rating of City roads.

Motion: Note receipt and file staff report on Street Pavement Resurfacing Program, as reported by the City Engineer with four specific elements:

1. Continue to pursue outside funding, such as new STP funding or ¼ cent sales tax
2. Prepare Plans and Specifications, going out to bid during advantageous times

3. Combine bid contracts with other Cities for better pricing
4. Work with the Transportation Subcommittee to achieve the goals of the Safe and Clean Streets Program - Phase II

Councilmember Livengood noted the education emphasis in the Safe and Clean Streets Program was an important part of this needed effort, with regard to walking in the center of streets, for example. He expressed particular concern about parents with baby strollers and senior citizen pedestrians.

Vice Mayor Gomez asked staff to obtain a list of problem intersections in the City, to check in with the Council from time to time to describe improvements that were made.

Motion/second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

9. Review, Consider and Direct Staff on Revision of the City Urban Service Area Line Conforming with Urban Growth Boundary Required by Measure Z and by Implementing Policy 2.a-I-2.2 of the General Plan

Item removed from the agenda (direction from City Council not required on this issue)

ORDINANCES

11. Waive First Reading Beyond the Title and Introduce Ordinance No. 23.10 Repealing Title I Chapter 2 of the existing Milpitas Municipal Code on Purchasing and Replacing with new Title I, Chapter 2, Sections 1 - 12

Purchasing Agent Christopher Schroeder introduced the proposed, updated Purchasing Ordinance to the City Council.

He described the existing municipal code as hard to follow, not flowing smoothly, with some direction missing, and therefore staff sought to clarify and expand the Purchasing code. Additionally, financial auditors recommended the changed new text.

The main, significant changes in purchasing were these Procurement thresholds:

1. increase purchase order requirement from \$2,000 to \$5,000
2. informal bid requirement from \$2,000 to \$5,000
3. formal bid requirement from \$10,000 to \$20,000
4. Council approval requirement from \$5,000, current practice as City Council policy (though it was factually \$10,000 as written in current municipal code language) to \$20,000
5. Recycled Product Procurement – change City’s price differential from 5% to 10% when a preference for recycled content is realized.

Staff reviewed where efficiency and significant financial savings would be realized with implementation of the new, more user-friendly code. Procurement training classes would be offered to staff, and implementation of the purchasing card will also provide savings.

Councilmember Livengood congratulated Mr. Schroeder on these efficient and valuable changes to the City’s purchasing policy, and he believed these steps would even save taxpayers money.

(1) MOTION: Waive first reading of Ordinance No. 23.10 beyond the title

City Attorney Steve Mattas read the title “Ordinance No. 23.10, an Ordinance to Replace Existing Municipal Code on Purchasing with new code on Purchasing, Title I, Chapter 2 of the Milpitas Municipal Code.”

Motion/Second: Vice Mayor Gomez / Councilmember Livengood

Motion carried by a vote of: AYES: 5
NOES: 0

(2) MOTION: Introduce Ordinance No. 23.10

Motion/Second: Vice Mayor Gomez / Councilmember Livengood

Motion carried by a vote of: AYES: 5
NOES: 0

RESOLUTIONS

Resolutions were adopted on the Consent Calendar.

BIDS AND CONTRACTS

Items were adopted on the Consent Calendar.

CLAIMS AND DEMANDS

Item was adopted on the Consent Calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 10:22 PM.

Meeting minutes respectfully submitted by:

Mary Lavelle, City Clerk